

## AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/005667

Filing Date: November 2, 2001

Title: METHOD OF FABRICATING AN INTEGRATED CIRCUIT HAVING A MEMS DEVICE

Assignee: Intel Corporation

Page 7

Dkt: 884.591US1 (INTEL)

**REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on May 23, 2003, and the references cited therewith. Claims 1-28 are canceled, and claims 29-45 are added; as a result, claims 29-45 are now pending in this application.

**Specification**

The specification was objected to due to informalities. Applicant has amended the specification beginning on page 4, line 22 to address the Examiner's objection.

**Claim Objections**

Claims 3-11 and 22 are objected to due to informalities. Applicant has canceled claims 1-28 such that the Examiner's objections are now moot.

**Examiner Interview**

[WILL MODIFY BASED ON BASED ON PHONE INTERVIEW] Applicant's attorney would like to thank Examiner Brophy for his courtesy during the telephone interview held on June 30, 2003. Examiner Brophy discussed the scope of the cited references with Applicant's attorney. Applicant's attorney and Examiner Brophy agreed that the amended claims overcome the references cited in the pending rejections.

**§102 Rejection of the Claims**

Claims 1, 2, 10-14, 19 and 22 were rejected under 35 USC § 102(b) as being anticipated by Schubert et al. (U.S. 5,721,162). Applicant has canceled claims 1-28 such that the rejection is now moot.

Claims 1-22 were rejected under 35 USC § 102(e) as being anticipated by Tilmans et al. (U.S. 6,297,072). Applicant has canceled claims 1-28 such that the Examiner's objections are now moot.

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Conclusion

Applicant respectfully submits that the pending claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Andrew Peret at (262) 646-7009, or the below signed attorney to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

QING MA

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
612-349-9592

Date \_\_\_\_\_

By \_\_\_\_\_

Ann M. McCrackin  
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this \_\_\_\_\_ day of June, 2003.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

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